

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of ATHIENA ROSE FOWLER and
TODD FOWLER, Minors.

FAMILY INDEPENDENCE AGENCY,

Petitioner-Appellee,

v

SPRING SIMPSON, f/k/a SPRING RENEE
MCCRANDALL FOWLER,

Respondent-Appellant,

and

KEITH LAVERN FOWLER, JR.,

Respondent.

UNPUBLISHED

October 28, 2003

No. 246698

Midland Circuit Court

Family Division

LC No. 02-001288-NA

Before: Bandstra, P.J., and Hoekstra and Borrello, JJ.

MEMORANDUM.

Respondent-appellant appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(g) and (j). We affirm.

The trial court did not clearly err in finding that the statutory grounds for termination were established by clear and convincing evidence. MCR 5.974(I), now MCR 3.977(J); *In re Trejo*, 462 Mich 341, 353; 612 NW2d 407 (2000). The children were initially removed from respondent-appellant's home because the home was in deplorable condition, with an unsuitable caretaker left in charge. The trial court found these conditions to be the surface indicators of "deep seated and malignant problems in the parenting skills of this Mother." The minor child Todd, in statements to his therapist and foster care worker, had accused respondent-appellant's live-in boyfriend (now husband) of various improper acts, including sexual abuse, furnishing the child with alcohol and marijuana, and showing him how to hang himself.

We reject respondent-appellant's argument that the termination was improper as based on unreliable hearsay statements of Todd regarding respondent-appellant's boyfriend. Respondent-

appellant's attorney did not object, and in some instances stipulated, to the admission of the testimony and evidence now claimed as error. Thus, this issue is not preserved for appellate review. Moreover, we find sufficient indicia of reliability and corroboration in the record to uphold the admissibility of Todd's statements, and further, that the evidence for termination was sufficient absent the claimed objectionable evidence. Thus, any error in failing to hold a hearing under MCR 5.972(C)(2), now MCR 3.972(C)(2) was harmless.

Further, the evidence did not establish that termination of respondent-appellant's parental rights was clearly not in the best interests of the children. MCL 712A.19b(5); *Trejo, supra* at 356-357. These children need a stable, safe, nurturing home, which respondent-appellant cannot provide. Because the evidence satisfied the statutory standards and the trial court did not clearly err in its determination, we affirm.

Affirmed.

/s/ Richard A. Bandstra
/s/ Joel P. Hoekstra
/s/ Stephen L. Borrello